

MEMO

DATE: June 5, 2003

TO: The Community, Economic and Human Development Committee (CEHD)

FROM: Alfredo B. Gonzalez, Senior Government Affairs Officer **ABG**
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SUBJECT: Senate Bill 491 (Ducheny) Housing Element Postponement

SUMMARY:

Senate Bill 491 by Senator Denise Moreno-Ducheny (D-San Diego) extends the deadline for local jurisdictions in San Diego County to update their Housing Elements for one year. This bill is being brought before the CEHD for information purposes only. Staff is not requesting a position on SB 491 at this time.

BACKGROUND:

The San Diego Association of Governments (SANDAG) is in the process of developing a Regional Comprehensive Plan (RCP). The RCP is intended to strengthen the relationship between local and regional planning as well as the relationship between housing, transportation and land use. SANDAG anticipates adopting their RCP in June 2004. Because housing constitutes such a major element of the RCP, SANDAG would like to coordinate their Regional Housing Needs Assessment (RHNA) to coincide with their RCP. To accomplish this goal, SANDAG would have to statutorily negotiate a one-year extension that would allow them to coordinate their housing planning with the RCP. If passed, SB 491 will achieve that objective.

This bill is of particular interest to SCAG not because of its impact on SANDAG but rather on the potential impacts that a future amendment may have on SCAG's RHNA cycle. According to discussions that are taking place in Sacramento, SB 491 is likely to be amended, resulting in the incorporation of language that would institute a one-year postponement on RHNA cycles for all agencies charged with the mandate. The rationales behind the proposed amendment relate to a reduction in state funding levels to carry out the mandate and also to ensure a balanced and consistent workload for Housing and Community Development staff.

SCAG staff will continue to track and monitor SB 491 and will bring periodic updates on the bill to the Committee.

SUPPORT:

- San Diego Association of Governments
- League of California Cities
- Housing California

OPPOSE:

- There is no registered opposition to this bill.

BILL STATUS:

AB 491 passed out of the Senate on April 28, 2003. The bill has been double referred to the Assembly



Local Government and Housing and Community Development Committees however; an initial hearing date has not yet been set.

FISCAL IMPACT:

All work related to adopting the recommended staff action is contained within the adopted FY 02/03 budget and adopted 2003 SCAG Legislative Program and does not require the allocation of any additional financial resources.

Abg/docs#85524

AMENDED IN SENATE APRIL 2, 2003

SENATE BILL

No. 491

Introduced by Senator Ducheny

February 20, 2003

An act to amend Section 65588 of the Government Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 491, as amended, Ducheny. Local government: housing elements.

Existing law requires each council of governments to determine the existing and projected housing needs for its region, as specified, for purposes related to each local government's determination in its housing element of its share of regional housing needs.

Existing law requires local governments within the regional jurisdiction of the San Diego Association of Governments to revise the housing elements of their general plans by June 30, 2004, for the 4th revision.

This bill would extend the date for that 4th revision to ~~December 31, 2004~~ *June 30, 2005*, for the local governments within the regional jurisdiction of the San Diego Association of Governments.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65588 of the Government Code is
2 amended to read:

3 65588. (a) Each local government shall review its housing
4 element as frequently as appropriate to evaluate all of the
5 following:

6 (1) The appropriateness of the housing goals, objectives, and
7 policies in contributing to the attainment of the state housing goal.

8 (2) The effectiveness of the housing element in attainment of
9 the community's housing goals and objectives.

10 (3) The progress of the city, county, or city and county in
11 implementation of the housing element.

12 (b) The housing element shall be revised as appropriate, but not
13 less than every five years, to reflect the results of this periodic
14 review.

15 (c) The review and revision of housing elements required by
16 this section shall take into account any low- or moderate-income
17 housing provided or required pursuant to Section 65590.

18 (d) The review pursuant to subdivision (c) shall include, but
19 need not be limited to, the following:

20 (1) The number of new housing units approved for
21 construction within the coastal zone after January 1, 1982.

22 (2) The number of housing units for persons and families of
23 low or moderate income, as defined in Section 50093 of the Health
24 and Safety Code, required to be provided in new housing
25 developments either within the coastal zone or within three miles
26 of the coastal zone pursuant to Section 65590.

27 (3) The number of existing residential dwelling units occupied
28 by persons and families of low or moderate income, as defined in
29 Section 50093 of the Health and Safety Code, that have been
30 authorized to be demolished or converted since January 1, 1982,
31 in the coastal zone.

32 (4) The number of residential dwelling units for persons and
33 families of low or moderate income, as defined in Section 50093
34 of the Health and Safety Code, that have been required for
35 replacement or authorized to be converted or demolished as
36 identified in paragraph (3). The location of the replacement units,
37 either onsite, elsewhere within the locality's jurisdiction within the

1 coastal zone, or within three miles of the coastal zone within the
2 locality's jurisdiction, shall be designated in the review.

3 (e) Notwithstanding subdivision (b) or the date of adoption of
4 the housing elements previously in existence, the dates of revisions
5 for the housing element shall be modified as follows:

6 (1) Local governments within the regional jurisdiction of the
7 Southern California Association of Governments: December 31,
8 2000, for the third revision, and June 30, 2005, for the fourth
9 revision.

10 (2) Local governments within the regional jurisdiction of the
11 Association of Bay Area Governments: December 31, 2001, for
12 the third revision, and June 30, 2006, for the fourth revision.

13 (3) Local governments within the regional jurisdiction of the
14 Council of Fresno County Governments, the Kern County Council
15 of Governments, and the Sacramento Area Council of
16 Governments: June 30, 2002, for the third revision, and June 30,
17 2007, for the fourth revision.

18 (4) Local governments within the regional jurisdiction of the
19 Association of Monterey Bay Area Governments: December 31,
20 2002, for the third revision, and June 30, 2007, for the fourth
21 revision.

22 (5) Local governments within the regional jurisdiction of the
23 San Diego Association of Governments: December 31, 1999, for
24 the third revision cycle ending June 30, 1999, and ~~December 31,~~
25 ~~2004~~ *June 30, 2005*, for the fourth revision.

26 (6) All other local governments: December 31, 2003, for the
27 third revision, and June 30, 2008, for the fourth revision.

28 (7) Subsequent revisions shall be completed not less often than
29 at five-year intervals following the fourth revision.

30 SEC. 2. This act is an urgency statute necessary for the
31 immediate preservation of the public peace, health, or safety
32 within the meaning of Article IV of the Constitution and shall go
33 into immediate effect. The facts constituting the necessity are:

34 In order to provide sufficient time for the San Diego Association
35 of Governments to finish its allocation of regional housing needs
36 one year prior to the 2004 deadline established by Section 65584
37 of the Government Code, it is necessary that this act take effect
38 immediately.

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